

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ORLANDO GARCIA,

Plaintiff,

v.

ROXANNE CLEMENT-RORICK,

Defendant.

Case No. [21-cv-05037-TSH](#)

**ORDER CONTINUING SHOW CAUSE
HEARING**

On January 14, 2022, the Court denied Plaintiff Orlando Garcia's motion for service by publication. ECF No. 15. As this case had been pending for over five months, and the service deadline had already been extended twice, the Court extended the service deadline (and deadline to file proof of service) "one final time" to February 14. Garcia, however, failed to file proof of service. Accordingly, the Court ordered him to show cause by March 7 why this case should not be dismissed for failure to prosecute and failure to comply with court deadlines. ECF No. 16. Garcia responded on March 7, indicating that his failure to respond "was not intentional and resulted from miscommunication between Plaintiff's counsel's staff. Plaintiff's counsel's law firm is currently going through a major reorganization, whereupon this order was missed by Plaintiff's counsel." ECF No. 17. Garcia also states he has been unable to obtain a signed declaration regarding service attempts, and he therefore requests the Court continue the show cause hearing at least 30 days to allow for proper service or filing a status report regarding his most recent service attempts.

Good cause appearing, the Court continues the show cause hearing to April 21, 2022 at 10:00 a.m. by Zoom video conference. The webinar link and instructions are located at <https://cand.uscourts.gov/judges/hixson-thomas-s-tsh/>. Garcia shall file proof of service or an

1 updated response by April 14, 2022.

2 Garcia is, once again, reminded that failure to file a response by April 14 will be deemed
3 an admission that he not intend to prosecute, and the case may be dismissed without prejudice.

4 **IT IS SO ORDERED.**

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6 Dated: March 8, 2022

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8 THOMAS S. HIXSON
9 United States Magistrate Judge
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